A SURVEY OF THE ADMINISTRATION OF JUSTICE RESPECTING THE INUIT OF NORTHERN QUEBEC

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CORINNE JETTÉ
LA MAISON WASESKUN HOUSE
MONTREAL, QUEBEC

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EXECUTIVE SUMMARY

The document provides a final report of a study carried out by La Maison Waseskun House for the Solicitor General of Canada. The field of study involves the administration and delivery of justice respecting the Inuit of Northern Quebec.

Field research was conducted in two Northern communities where several workers and professionals were identified as interview participants. Anecdotal material from these interviews provides the principal source of information presented in the document. Statistical analysis is also provided as support for the findings of the study. It was noted however, that the timeframe provided for the research, as well as the accessibility to available statistical data was limited.

The study finds that justice administration in the regions under consideration is cumbersome, haphazard, and does not provide adequate peace and security for the communities. It is concluded that the cultural, educational, and socio-economic realities characterizing these Inuit communities require alternative models for effective administration of justice.

Since it is found that victims, offenders, and communities in general are not adequately serviced by the present system, recommendations are made to conduct further research, to seek broad consultation, and to develop innovative alternatives.

Montreal, November 1990

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1.0 INTRODUCTION

For many years the administration of justice in Inuit settlements in Northern Quebec has been a matter of concern to many people. Social service organizations, workers within correctional facilities, Native and non-Native social workers, attorneys, and jurists alike, have called into question the validity and the morality of a system that purports to offer equal justice to a segment of Canadian society with recognizably different sets of values, traditions, and cultural norms.

The Inuit, themselves, are often unaware of the consequences of becoming involved as offenders under the Canadian system of justice. Their traditional environmental influences bear little relation to the adversarial nature of the justice system. And while individual offenders are most often bewildered by the procedures they are subjected to, in most cases, they lack Inuit professionals to turn to for guidance.

Further, the Inuit most often deal with the justice system outside of their own settlements. Whether they are removed from the scene of the crime, are sent to holding facilities in Amos, Quebec, are brought to neighbouring Inuit communities for court appearances, or are transported to correctional institutions in southern Quebec, these offenders seldom face the system in the context of familiar surroundings. Consequently, they must not only learn to cope with the complexities of the criminal justice system, but they must must also learn to cope with simple, but difficult human preoccupations at the same time.

To say that the administration of justice within the Hudson's Bay and Ungava Bay regions of Quebec offers fairness and equality with such administration in southern regions of Canada is clearly wrong. For the expression of such a statement indicates a fundamentally flawed, seriously misinformed point of view.

Inasmuch as non-Native offenders in the south are probably not experts on the justice system either, they at least have the opportunity to learn how the system functions without being transported out of their customary geographic environment. Southern offenders are not subjected to such disorienting factors as dramatic changes in diet, abrupt changes in climate, disturbing noise levels, or unfamiliar crowded places. Yet Inuit offenders are faced with these and other equally disconcerting influences. Consider, if you will, a comparison between this practice, and the culture shock that would be experienced by a Montreal offender transported to the streets of Calcutta for incarceration after sentencing. While the analogy may seem far fetched, there are reasonable parallels to be drawn from it.

The Inuit of Northern Quebec possess a unique set of identifiers, a specific range of traditional characteristics, a distinct model of social behaviors, and a particular focus on communal harmony that is virtually unknown to southern inhabitants of this country.

researchers hoped to better address the specific problems experienced by Inuit offenders, the support services they lack, and the types of programs that would begin to offer constructive alternatives to current methodologies. In addition, the overall impact of the system on Inuit communities was examined to a limited extent.

In analysis of the system of administering justice, some other aspects of offenders' experiences were also studied including: (a) what factors may have contributed to their offenses; (b) how they were processed through the system; (c) what types of pleas they entered; (d) what types of sentences and dispositions resulted; (e) what programs and services were available to both offenders and inmates, and (f) what level of success, if any, was achieved by these support services.

3.1 CONTRACTUAL LIMITATIONS

With slightly more than a month to develop an effective research design, conduct fieldwork and data collection, and produce a final report, it must be understood that the study is necessarily lacking in empirical research. Observations and anecdotal material are limited to what was possible to accomplish within this time frame.

Where statistical data is provided, it should be noted that generalization of certain trends was confirmed in personal interviews conducted with native courtworkers, probation and parole officers, the Native Inmate Liaison Worker, and other persons who have direct, current involvement with Inuit offenders. For example, a number of respondents noted that they have observed marked increases in the number of sexual assault/conjugal violence cases that they deal with. Yet, in reviewing statistics made available, no long-term significant increase was evident. Interview notes, therefore, form much of the basis for discussion in this report.

4.0 SCOPE

Fieldwork for this study was limited to two central communities where the itinerant court holds session, and where offices of Inuit courtworkers are located. On his first visit, the researcher travelled to Kuujjuaq, where activities for five other Inuit municipalities located along the coast of Ungava Bay are coordinated: Kangiqsujuaq, Quaqtaq, Kangirsuk, Aupaluk, and Kangiqsualujjuaq. The second visit was conducted to Kuujjuarapik, which provides similar coordination for six other communities: Umiujaq, Inukjuak, Povungnituk, Akulivik, Ivujivik, and Salluit.

Because of the rigorous time frame, research was conducted within two to three days at both centres. Interviews were arranged with as many relevant agencies as possible. In all

cases, individuals approached were cooperative, interested in the focus of the study, and offered good insight into the issues raised by the researcher.

For purposes of clarity, the contractor limited the period of analysis to the dates from April 1, 1989 to March 31, 1990. Unfortunately, statistics for the Hudson's Bay coastal region were unavailable for the first four months of the study period due to the fact that the Inuit courtworker responsible for that area was on approved maternity leave at that time.

While additional relevant research material would have involved extensive interviews with lawyers and jurists acquainted with the system, such interviews were outside the scope of this study. In addition, representatives of Inuit municipalities, and territorial bodies would also have contributed useful points of view. The commentary of these individuals was also beyond the scope of the research.

Specific agencies involved in providing information to the study included the following:

- Native Courtworker Program
- Native Inmate Liaison Worker Program
- Canada Employment Centre (Employment & Immigration Canada)
- Income Security (Ministère de la main d'oeuvre et de la securité du revenu)
- Probation and Parole Office (Ministère de la Justice)
- Young Offenders' Program/Youth Protection Program
- Social Service Workers
- Sûreté du Québec

Discussions held with the Sûreté du Québec coincided with the situation at Oka. It was felt that later interviews, held in a more conducive atmosphere would elicit better information. For this reason, the contents of the interview notes have not been included in research analysis.

5.0 KUJJUUAQ (Ungava Bay Region)

As noted earlier in this report, three days were spent compiling research data with the aid of the Inuit courtworker based in Kuujjuaq. The following is a summary of interviews conducted during that period.

5.1 CRIMES COMMITTED AND CHARGES

The most common offenses were identified as breaking and entering, assault (physical and sexual), and to some degree, drug offenses. Crimes against property, totalled 75; against persons, 41.

It was identified that nearly all criminal activity was in some way alcohol or drug related. Either offenders were under the influence during the commission of the crime, or the crime itself was committed for the purpose of obtaining drugs, alcohol, or money to finance substance abuse.

The courtworker noted that the use of inhalants was also on the increase.

While exact figures for juvenile vs. adult offenders are now being collected, summary forms for the courtworker program did not contain such a breakdown in previous years. However, a manual count of courtworker files yielded the summary contained in Table 3, which indicated that slightly over 10% of the offenders processed through the courtworker's office were juveniles.

5.2 CONTRIBUTING FACTORS

A number of factors common to all Native offenders contribute to criminal activity among Inuit people.

High levels of unemployment, low levels of recreational or social activities, high levels of drug and alcohol consumption, and the resulting socio-economic turmoil all figure to some extent in the incidence of crime.

Tragic family background is also cited as a contributor since many offenders have experienced childhood victimization by alcoholic parents. Upheaval of family structures or relocation of communities have also played a part in causing offenders to turn to crime as an outlet for frustration and/or hostility.

Education is also seen as a contributor to two contradictory findings. On the one hand, many offenders have little formal education, since it is common for young people to drop out of school. On the other hand, the courtworker and probation officer noted that offenders most often charged with serious drug trafficking offenses usually had higher than average (Secondary I & II) educational levels.

A more recent phenomenon of increases in the number of sexual assault/conjugal violence charges was explained by both the courtworker and probation officer. It was not felt that any

real increase in the frequency of these incidents had occurred; but rather, an increase in their reporting had. In recent months, a public education campaign combined with information sessions, may have prompted a larger proportion of victims to come forward. In addition, it was noted that recent policy changes on the part of intervening police officers meant that more women were being encouraged to lay charges by the police. Therefore, this combination of recent changes may be, in themselves, contributing factors to the increases observed in this area.

5.3 HANDLING BETWEEN CHARGE AND APPEARANCE

No breakdown was available of the home communities of offenders, because courtworker files were analyzed in summary form only. Had more time been permitted, individual files could have been accessed. But in spite of this fact, the following information was obtained.

In most cases, the accused was arrested and brought to the police station or to the community facility serving that purpose. Charges were laid, and depending upon the severity of the crime, different actions were taken. In "routine" cases of breaking & entering, driving offenses, or common assault, the accused was informed of the charge and then released back into his/her community, to await an appearance before the next round of the itinerant court.

In the case of more serious offenses, adults were sent to a holding facility in Amos, Quebec, while juveniles were sent to a youth reception center in Val d'Or.

No specific time frames for these holding periods could be determined, because of the 5-week delay between court sessions. If the crime took place late in the delay period, the offender was not held very long. On the other hand, if the crime took place immediately following one court session, the offender might have to wait more than a month before the next court session. On occasion, it appears that some offenders are only held for a "cooling off" period of a few days before being released, particularly if they were severely intoxicated at the time of the offense.

It appears that very little support is available to either adult or juvenile offenders in the time between arrest and the court appearance. The courtworker is the principal formal advisor during this period, although some offenders do benefit from legal counselling .

An offender's release into his or her community immediately following an offense appears as a contradiction to most community members. The small size of most communities, as well as by the existence of those contributing factors to the original offense further complicates the issue. In some cases, offenders awaiting court appearances were involved in subsequent criminal activity. It was noted that following an incident of assault, both the victim and the offender continued daily contact, and had in fact, reconciled their

differences over what they perceived as a drunken row. Weeks later, they were both expected to appear in court.

In the case of another assault the victim and the accused again were forced to interact in the hours following the incident. Both families were obviously upset, and were required to act as intermediaries in the on-going dispute. Instead of having a "cooling off" period, the individuals involved had no recourse whatsoever. The ensuing hostility created more of a problem than any that had existed originally.

Brief reference was made earlier to the case of conjugal violence where the accused was released back into the community. In that instance, social service representatives saw fit to transport the victim and her children to refuge in Southern Quebec, because of the perceived potential for repeated acts of violence. Such examples are not necessarily the norm, but their very existence does point out the incongruous nature of a system that places already victimized individuals at risk. Whereas the offender was at liberty, the victims found themselves in unfamiliar surroundings, away from any community support that they may have had, and left to fend for themselves in a distant location.

In a number of cases, the researcher cited local professionals as saying that Inuit offenders often readily admit their guilt. In fact, they have been known to confess not only to the charge before them, but also to other criminal acts that had occurred earlier. These admissions were often prefaced by a comment such as "...yeah, I did it...and I also did this, that, etc...but -I was drunk at the time."

William Badcock discussed this phenomenon in "Problems of Native Offenders in the Correctional System", Canadian Journal of Criminology and Corrections, 18:4, 1976 . It is not uncommon for native offenders to plead guilty without a clear understanding of the implications of this action. Badcock notes that this trait may be attributed to linguistic difficulty, but more probably, it is based in culturally specific behavior.

Badcock continued with the observations that when an Aboriginal person is accused of a criminal act, he accepts the responsibility, admits guilt, and expects the process to end there. By answering truthfully, the intent is that no further dishonor or disharmony will be brought to the community. The underlying expectation is to restore peace and social equilibrium, in keeping with the basic value of ensuring the well-being of the community. The preoccupation was not in who was guilty or who was innocent, but rather in restoring harmony, curtailing unacceptable behavior, and preventing repetition of the offense. Individual approaches could be adopted for any given situation, and the offender could get on with his responsibilities as a member of the community.

Of course, under the current system of justice, which recognizes the concept of "innocent until proven guilty" and constructs an adversarial relationship between the offender and the state, an offender is expected to plead 'not guilty', and use this tactic to present his side of the argument in court. Such pretense falls outside of the cultural context of the Inuit.

Consequently, the naivety of many offenders to the workings of the justice system, predisposes them to face sentencing, and even incarceration, before they are actually aware of what is happening to them. It also causes them to seriously underestimate the seriousness of the situation, and illustrates just how much they misunderstand the Canadian justice system.

Given this unique situation, one is led to conclude that the frequent delays between commission of an offense, and appearance before the court, are counter to the traditionally held value of honesty inherent in the Inuit. By providing little or no intervention to clarify legal misunderstanding during these delays, the offenders are done a disservice.

5.4 PLEAS

As discussed in the previous section, most Inuit plead guilty to charges filed against them. This trend is confirmed in Table 2. Because of time restrictions, the study was not able to make any statistical correlations between charges and pleas, that is to say, which pleas were filed under which charges. Therefore, it is not possible to determine whether any relationship exists between the severity of the offense, and whether guilty pleas were entered. The exceptions to this finding may be seen in the individual case studies presented as Appendix A.

Observations were made however, that in the case of frequent repeat offenders, some not guilty pleas were entered. It would appear from this fact that once an individual becomes educated to the workings of the system, there is a tendency to adopt a more "conventional" (southern) stance in the courtroom.

Conversely, in conversation with the Native Inmate Liaison worker, it was noted that Inuit offenders often react negatively to commonly used procedural tactics that they perceive to be dishonest. One Inuit inmate was described as being angry at the notion that he should project an image of heartfelt remorse before a parole hearing. He interpreted this notion as dishonest, and was resentful that such a possibility should exist. His concern was focussed on his family, and his obligation to return to his community. After having served his time, artificial "appearances" were to him, contemptible.

5.5 SENTENCING AND DISPOSITION

To a great extent all resource people consulted felt that sentencing was realistic and was always based on the nature of the crime. There was some concern, however, that sentences given for crimes in the North were not equivalent to those given in the South. This issue will be dealt with later.

Statistically, a great majority of sentences involved restitution fines, community service or suspension. Of dispositions to correctional facilities, it appears that the vast majority involve periods of less than 2 years' duration and, therefore, are served in provincial institutions. Observations indicate that a great deal of plea-bargaining goes on, resulting in sentences that do not remove the individual from the community.

If adult offenders are sentenced to incarceration, they are most often detained at the Amos Detention Centre, while juvenile offenders are detained at the Youth Reception Centre in Val d'Or. It was noted that for the period of the study, the caseload of juvenile offenders was approximately 28-30 individuals at the Val d'Or centre.

At least one resource person noted that the judges travelling with the Circuit Court were sensitive to the needs of the offenders and appeared to pronounce sentences with this thought in mind.

Where sentencing involved support programs or other services such as Alcoholics Anonymous sessions or counselling therapy, it was clearly felt that these were ineffective.

In the matter of equivalency between sentencing in the Northern and Southern regions of the province, some individuals suggested that, because of the nature of the system, lighter sentences were given by northern courts than if those offenders were to have been tried in the South. These observations were confirmed by comments from Inuit people who originate from these communities, but work in urban centres in the South. They characterize sentencing practices for serious crimes in Northern regions as "a slap on the wrist". Other findings confirm that residents in the communities feel threatened by the fact that so-called troublemakers, or people they consider to be "dangerous offenders", are allowed to return and pose potential risks to their well-being.

This issue emerged within the context of a discussion of the exorbitant costs involved in the circuit court system. Because of the logistical difficulties in assembling the accused and the witnesses for specific court dates, hearings and trials are often delayed or at times, dismissed. In fact, failures to appear have become so frequent that the court has initiated a travel cost reimbursement program to pay offenders to appear in court. By failing to appear bench warrants are routinely issued, adding to the already long list of infractions. It seemed that the reimbursement program was established to improve efficiency.

Because of the administrative costs of holding court, however, it appears that some degree of expediency has come to characterize the proceedings. Cases are dealt with rapidly, particularly when a large backlog of charges exists.

Whether lighter sentences are imposed because judges are "sensitive", or "feel bad" or whether they are imposed because of expediency, there appear to be negative consequences that impact on the communities. More in-depth research would be needed to ascertain answers to the following questions:

- Are offenders aware of what is going on in court?
- Are cases rushed to avoid additional expense?
- Are case dismissals/withdrawals jeopardizing the delivery of justice?
- Are the needs of victims being met by the sentences?
- Are the needs of offenders being met by the system?
- Are communities adequately served by the system?

While it is worth repeating that case workers currently working in this region have noted the appropriateness of sentencing, it was observed that the answers to the above questions may shed more light on the situation as it exists today.

It is recognized that the individual people involved in the administration of justice respecting the Inuit of Northern Quebec do their best in the context of a cumbersome, almost haphazard, system. It is acknowledged, however that the system, and not necessarily the individuals within it, urgently require assessment and modification. Otherwise, community people will continue to refer to the imminent arrival of what they have termed the "Circus Court".

5.6 PROGRAMS AND SERVICES

Local community support is a key element in effective administration of justice. Whether programs to assist victims, counsellors to advise accused, youth workers to counsel dropouts, or drug and alcohol therapists to direct substance-abuse programs, all community resources must be called upon to provide practical and practicable advice to persons who come into conflict with the law.

It is the finding of the study that such community support services are not functioning adequately as they relate to the administration of justice. While well-intentioned workers and services are established, their workloads and/or structure may well mitigate against effective service delivery to that specific client group.

A sampling of community agencies and programs was surveyed by the researcher. Results of research and interviews are summarized below:

5.6.1 Alcoholics Anonymous

It was observed that while court orders may include attendance at AA meetings, the overall impact of these orders is negligible.

AA functions as a motivational support group with an approach that is both confrontational and verbal in nature. Since most Inuit are reticent to speak in public, and do not value public exhibition of inner feelings, the routine AA format is not effective.

Further, since a fundamental posture of AA requires the individual to initiate treatment himself by recognizing an inner loss of control over alcohol, imposed attendance at meetings is artificial at best.

It is a fact, however, that culture-specific AA programs have been successful among Indian people. It would therefore be advisable to pursue Inuit-specific models for use in these regions.

5.6.2 Probation Services

Two probation officers follow cases in the Ungava region are responsible for regular follow-up of offenders on probation and travel with the itinerant court.

It should be noted here that the geographic area in question is immense and travel is difficult at the best of times. Supervision of both officers is carried out by telephone from Val d'Or.

The principal finding of this study was that high unemployment in the region often contributes to difficulty in offenders meeting parole and probation requirements.

Reports from probation officers indicated the following observations:

- In dealing with Inuit clientele all personnel must keep in mind that vast differences exist between Inuit and southern Indian people.
- Suicide continues to be a factor in the region. Statistics show that two to three cases per year are the norm.
- Personal tragedy affects most families in all communities and results in a great deal of trauma among the Inuit.
- Caseloads for both probation officers total approximately 60 cases each, per year.

Discussion with both probation officers revealed that they perceive there to be a different attitude towards property and ownership among many Inuit. The example was given that an

individual might enter someone else's home, take something, and use it; meet the owner later on while intoxicated; engage in a shouting or shoving match, and have a fight over the missing object. The next day, both individuals take the situation quite lightly, consider the incident to be over and probably joke about it with friends and family.

Of course, physical assault or a death is not taken lightly, and families and communities suffer tremendously following such incidents.

With regard to any programming to be developed for use with Inuit clients, both probation officers underscored the importance of designing models that would take into consideration the very unique cultural orientation of Inuit offenders. Specifically, programs would have to take into account the fact that they function with a very different sense of time and responsibility. They wished to emphasize that culturally-relevant programs are definitely required to make probation services successful.

5.6.3 Youth Protection and Young Offenders

Responsibility for both of these areas is covered by one social worker who operates out of Kuujjuaq. Her casework usually involves 15, 16, and 17-year olds who are frequently dropouts from formal education.

The issue of education for the Inuit of Northern Quebec is currently under study by several Inuit organizations. Of great interest is the matter of language of education. Controversy exists over the validity of maternal-language programs vs. instruction in a second language. While conclusive findings have not yet been released, all interested parties have noted with great concern that most young people do not complete even minimal educational requirements. Because of a lack of regular employment opportunities within most Inuit settlements, most young people are unmotivated and feel that formal education is a waste of time and effort.

With these facts in mind, the youth social worker frequently recommends her clients to adult education training programs. However, it should be noted that such programs do not involve high retention rates either. In at least one government training program the most optimistic figure for students expected to graduate is 20%.

With regard to youth offenders, the social worker noted that her caseload usually involves 30 clients per year. Moreover, offenders frequently are drug/alcohol/inhalant abusers. Sentencing usually involves community service and court is seen as a last resort.

Those juveniles sentenced to incarceration are sent to the Youth Reception Centre in Val d'Or. Psychological evaluations are carried out by a psychologist and are translated for parents.

The social worker also expressed satisfaction with sentencing. She did add that judges appeared sympathetic to the problems faced by her clients.

Finally, it was noted that families of young offenders were mostly cooperative when the young people returned to their communities and tried to follow her recommendations.

5.6.4 Canada Employment Centre

For the most part, the CEC conducts routine employment programs but low employment levels always mean that gainful employment is not usually found for individuals who complete them.

While the CEC is genuinely interested in locating work for suitable candidates, its representative is quoted as saying: "...jobs are scarce, and cannot be created for someone who needs employment."

5.6.5 Income Security

This agency is responsible for social aid in the region. It deals with Inuit offenders insofar as they access the agency when they have no money, no income, and no employment.

Wherever possible, the agency refers the individual for up-grading, training programs, etc. But, as cited earlier, their experience also reflects the fact that very few individuals ever complete the programs.

5.7 RESEARCH OBSERVATIONS -- KUUJJUAQ

The researcher found that all those contacted during the field work were cooperative; were receptive to the goals of the research; and expressed interest in improving the situation.

Information obtained from individuals was consistent and each interview confirmed assertions made in earlier conversations. In a number of cases, contradictions were identified with regard to the administration of justice in the North. These contradictions form the principal findings of the study.

Over the period of the research, a vision did emerge of an imported system of justice that clearly does not adequately meet the needs of this unique cultural group.

Offenders are tried weeks after the fact for an offense that may no longer rouse even minimum concern between victim and offender.

In other cases, very real personal trauma is inflicted on communities and families because victims and offenders are forced to interact daily while waiting weeks for formal resolution of disputes.

Policies, procedures, and organizational structures are imposed on a clientele that not only does not understand the reasons behind specific actions, but also does not subscribe to the fundamental principles underlying them.

Traditional southern responses and methodologies are applied, for all intents and purposes, in an alien cultural, geographical, and social environment.

Very little evidence exists that culturally appropriate values and standards inherent in the members of the communities are taken into consideration by the justice system. Instead, there is evidence to conclude that lighter than "normal" sentences are given, cases are frequently disposed of for procedural reasons, and victims' needs may not be being adequately addressed. Furthermore, when offenders are incarcerated, they are removed to distant institutions where all contact with families is cut off, so they are left in personal isolation to cope with a totally foreign environment. Some efforts are made to provide support services, but these do not appear to be having any appreciable positive impact. And all of this is taking place within the context of a structure that appears to cost a great deal of money.

6.0 KUUJJUARAPIK (Hudson's Bay Region)

The second stage of fieldwork research was conducted in Kuujjuarapik, along the eastern coast of Hudson's Bay in Quebec. Like the first trip, arrangements were made through the local Inuit courtworker to meet with various representatives of agencies dealing with Inuit offenders. The goals and objectives of the research were explained and all participants offered their cooperation.

The researcher arrived in Kuujjuarapik at the same time that the itinerant court was in session. Consequently, he was able to derive first hand observations of cases in process. While the timing of this visit was opportune in some ways, it did make for difficult scheduling of interview appointments. Alternate arrangements were made to collect information during evening discussions.

Unlike Kuujjuaq, where court is held for one day in each of the satellite communities along the Ungava coast, facilities and travel arrangements are more difficult to access in Kuujjuarapik. Therefore, all court proceedings are centralized in this community.

Another aspect that differentiates this community from Kuujjuaq, is the fact that Kuujjuarapik is located close to the Cree community of Whapmagoostui.

In an effort to avoid redundancy in this report, certain repetitive features of this visit will not be described in detail. Research confirmed that many similarities exist in both regions with regard to the administration of justice. As far as possible, new or additional findings only will be included under the following headings.

6.1 CRIMES COMMITTED AND CHARGES

Most offenders were males between the ages of 18 and 24. Crimes were equally distributed against property and person, and involved primarily breaking and entering, assault and drugs. A recent increase in sexual assault charges has also been observed.

Breach of probation and failure to appear were also significantly represented in the data.

Nearly all offenses were directly related to substance abuse; either committed under the influence, or committed trying to obtain drugs, alcohol or money to support a habit.

Again it was stated that Inuit offenders do not comprehend what is happening to them in the justice system, particularly when their knowledge of English is limited.

According to interviewees, murder is very rare in this region but suicides account for four times the Quebec average.

6.2 CONTRIBUTING FACTORS

Unemployment and lack of involvement in organized sports or recreational activities were cited as major contributing factors to criminal activity. Lack of formal education opportunities was further noted among Inuit offenders as were traumatic childhood experiences.

Increases in the number of children of 12-13 years old sniffing inhalants was prevalent. The trend was most alarming to community professionals who observe that "...they start at 12 or 13, and then by the time they're adults, they've burnt their brain cells, and wander around aimlessly with no goals, or no purpose in life."

It was also noted that criminal activity usually increased whenever visitors from other communities came to Kuujjuarapik for special events.

Another major contributor to increased criminal activity identified was the fact that local people possess almost no labor skills. Some seasonal work is available with certain municipalities, but since no regular work is available, young people see no point in going to

school. This cycle of frustration and boredom is often responsible for the onset of substance abuse and consequently relates directly to criminal activity.

The probation officer for the region is Aboriginal and possesses 14 years of experience in the field. He offered the following comments:

- 95% of offenses are alcohol related;
- Average education level of the general population is Grade 7;
- Work habits result in Inuit quitting or being fired from jobs;

  Almost all such incidents relate to Inuit's lack of concern for time;
- Age/sex of offender makes no difference with regard to cultural attitudes and behavior;
- Crime levels are seasonal;
- Relocation of families has had a negative impact;
- Special constables are rarely present in the communities, and when they are, there is a high turnover rate;
- 75% of his clientele are repeat offenders;

6.3 HANDLING BETWEEN CHARGE AND APPEARANCE

If someone is put under arrest, they are detained at the holding cell in Kuujjuarapik either for a few days, or until the court arrives. But if the court session is not scheduled for "a long way off" the individual is released back into the community. If the crime was very serious the accused is sent to the Amos Detention Centre. Again, very little professional support exists for individuals awaiting court appearances with the exception of the courtworker.

6.4 PLEAS

Confirming earlier observations, nearly all Inuit pled guilty when they were given the choice of a plea by a lawyer. In fact, available data show that 96% of offenders pled guilty.

6.5 SENTENCING AND DISPOSITION

To a certain extent, it appeared that sentencing and disposition were imposed in accordance with the seriousness of the offense. The one fact that was repeated in several interviews was the fact that first-time offenders were given leniency in this region.

It was also noted that in cases where offenders had steady employment, fines were most common. Another individual noted that fines imposed were normally quite high. ($600 - $1000).

Community service orders were frequently given to young offenders and others who could not afford to pay fines. But at least one professional pointed out that little follow-up was actually done to substantiate whether such service had actually been performed. While the court seemed to choose this option out of compassion, offenders often found ways to circumvent the process.

As in all sentencing and disposition, consideration was always given to the fact that the individual was either a first-time, or repeat offender. Incarceration was usually limited to serious offenses and repeat offenders. But in most cases, the length of sentence usually meant that offenders were sent to provincial institutions rather than federal facilities. Analysis of case studies presented in Appendix A provide additional insight into this situation.

6.6 PROGRAMS AND SERVICES

Because of its proximity to Whapmagoostui, Kuujjuarapik is more densely populated, and therefore offers more in the way of recreational activities. But those agencies such as CEC, Probation and Parole, Young Offenders/Youth Protection, and Income Security, experience similar problems discussed in earlier sections of this report.

The Inuit courtworker observed that those young offenders who come into conflict with the law are most likely to be those who do not participate in any form of organized recreational activity.

6.7 RESEARCH OBSERVATIONS -- KUUJJUARAPIK

To a great extent the observations provided by community workers in this municipality with regard to Inuit offenders mirror those provided for Kuujjuaq, with some minor differences.

Interestingly, the demographic composition (Cree and Inuit) did not seem to have any notable effect on the level or frequency of criminal activity.

Attitudes toward the circuit court system varied from satisfaction, to resignation to frustration.

It appears that while no one views the system with enthusiastic support, the professionals contacted for the study did not raise harsh criticisms either; nor did they offer any suggestions for alternative delivery of justice in the region. No one interviewed took the initiative to suggest a better means of administering justice.

On the one hand, perhaps this reluctance to protest is due to the fact that the study was initiated by the Federal Government and participants felt ill at ease criticizing a system in which they were active players. On the other hand, the short time for field work allowed very little time to engage in lengthy discussions so participants may not have been given sufficient time to raise any serious objections. A third possibility, of course, would be that participants are not dissatisfied with the system, have no objections to raise and, consequently, no alternatives to suggest. Clearly though, the general consensus was not a positive one.

These contradictory indications may be due in part to the very nature of the justice system. Historically, the image of justice administration in civilized countries is seen as highly structured and unchangeable, founded on high moral principles and beyond reproach or criticism. To even suggest that the system is flawed, or to question the legitimacy of the judiciary would be tantamount to mutiny if put forward by "insiders". By looking for alternatives to the established order, such an individual would be entering into uncharted territory, challenging the very foundation of what is perceived to be an inflexible public institution.

If further study is carried out, researchers should endeavor to identify more clearly, the overall concerns of local agency representatives through candid conversation. By identifying specific weaknesses inherent in the present system, measures could be taken to address them.

Another important aspect of the research which falls outside the scope of this study, would be to seek the views of two crucial groups who have direct involvement in the administration of justice within Inuit communities. The first group would include the judges who administer and travel with the itinerant court. No other individuals would have a better perspective on the current situation, and would be better able to detail the procedural and logistical difficulties that have been encountered. The second group would include leaders of Inuit governing bodies, both municipal and territorial. Their perspective on the current situation would no doubt shed light on whether justice is done, rather than simply being seen to be done.

The last point is raised in this section of the report because of a comment that was included in the researcher's notes from the Kuujjuarapik visit. When asked about the concerns of local officials towards the justice system, one person stated that Inuit leaders

were very much preoccupied with matters of economic development and local autonomy. To such an extent, in fact, that very little attention was paid to the impact of the current justice system on local communities. This observation is obviously important, since the matter of justice administration would be integral to any form of autonomous management of the territory.

One must assume that Inuit leaders are well aware of the "circus courts" and do, in fact, care about the level of service their people receive. Unfortunately, many Aboriginals have grown tired of fighting imposed systems over which they have no control and have consciously or unconsciously chosen not to pursue what are perceived to be no-win situations. As well, one must remember the dominant-submissive relationship that has historically dogged Aboriginal people. When one of the most respected, fundamental pillars of mainstream Canadian society dictates rules of procedure and behavior, it is almost unthinkable for an Inuit to confront representatives of the judiciary with the suggestion that what they are doing is wrong. Of course exceptions to this pattern will exist from time to time but, for the most part, confrontational tactics are not likely to be employed.

Perhaps some of the cultural traits of the hunter (--- wait...observe... remain silent and inconspicuous.... wait some more ---) are at play in this situation. The fact that community leaders have given priority to such areas as economic development is, therefore, not at all surprising, and should not necessarily be mistaken for disinterest in, or indifference to, the matter of justice administration.

Another crucial topic that emerged from discussions held during the second field visit was the whole matter of cross-cultural awareness/sensitivity training for non-Aboriginal workers in the justice field.

Like other professionals and semi-professionals working in the fields of education, health and social services, or even business, the need to have a clear understanding of, and genuine sensitivity to the cultural orientation of these people is paramount in any job function. For workers in the justice field to be unprepared for appropriate human intervention with the Inuit is totally unconscionable, and must not be tolerated.

It was noted that, in some cases, workers who were assigned to positions in the North received irrelevant briefing sessions about life in the North, such as videotapes showing beautiful geographic scenery, and were not sufficiently trained before assuming their responsibilities. It was reported that newcomers to the region who lacked this essential training were frequently encountered, and most often did not remain in their positions very long. One individual also warned of the dangers for misunderstanding, when clear distinctions are not drawn between the cultural norms of southern Aboriginal people, and the norms of the Inuit.

7.0 INUIT OFFENDERS IN FEDERAL PRISONS

From information obtained throughout the study, it appears that only a small percentage (approximately 10%) of offenders sentenced to prison are detained in federal facilities. Efforts to obtain detailed information from provincial prisons were unsuccessful.

It would be essential for any future research studies to examine the following questions in detail:

- How accurately do provincial authorities collect data on the ethnic origin of prison inmates?
- Which provincial institutions house Inuit inmates?
- What efforts have been made to hire Inuit/Native staff?
- What cross-cultural training is given to non-native professionals and staff in provincial institutions?
- What special programming or services are provided for Inuit/Native inmates?
- What is done to facilitate communication with unilingual Inuit/Native inmates?
- What level of communication exists between correctional facilities and the Secretariat aux affaires autochtones* in Quebec City?

Without answers to these crucial questions, very little knowledge can be gathered about how the administration of justice is affecting Inuit sentenced to provincial institutions. Of course, similar information-gathering with regard to federal institutions would also be required.

A general overview of the current federal prison situation was elicited from the Native Inmate Liaison Worker in Montreal, with the intention of building a profile of programs and services available to Inuit offenders.

At present, the Liaison Worker's caseload includes 36 Native inmates, of whom 10 are Inuit. (See Table 5). All Inuit inmates are housed in medium security institutions, (6 at Lamacaza, 3 at Leclerc, and 1 at Cowansville). It was noted that transfers between institutions are frequent, and therefore necessitates frequent adaptation to new surroundings. This mobility within the system also affects the statistical accuracy of record keeping.

Major areas of concern that were expressed are similar to those raised by other workers in the communities, so they bear consideration. Linguistic difficulties, changes in diet and

isolation are identified as the most significant problem areas. For the most part, Inuit inmates are unlikely to join social development activities and AA group meetings are not attended by most. Some do participate in craft or hobbywork, as well as sports but most simply opt to stay by themselves. When traditional Indian spiritual functions are organized, Inuit offenders find the content uninteresting and irrelevant. The liaison worker cited different occasions when her Inuit clients were upset, and told her that the religious rituals or socials were "too Indian" for them. They obviously felt excluded.

At present, several activities are carried out to help inmates establish and/or maintain a sense of cultural identity. For example, films and videos with Aboriginal content are shown; magazines and journals including Aboriginal material are distributed; socials bring inmates much needed contact with members of Aboriginal communities; and occasionally, traditional meals are provided.

Program activities specifically designed for Inuit offenders are being developed, but the reality of so few inmates makes these initiatives difficult.

The Native Liaison Worker Program offers inmates from Indian communities the opportunity to explore spirituality as a means of coping with their situation; to meet and learn from elders; to share cultural practices, and to begin the process of healing and growth through identification with their culture. While incarcerated such occasions are obviously important to Indian offenders and, in many cases, provide very positive influences on them.

If a similar type of program were to be instituted for Inuit inmates, offering culturally relevant programming, these individuals would then be offered the same positive opportunities. And because of the geographic isolation, Inuit inmates would have the added benefit of human contact which is so sorely lacking under the present circumstances.

To initiate a program, the following areas need to be explored:

- How many Inuit inmates are currently housed in federal prisons in Quebec?
- What culture-specific programs could be developed?
- What priority areas would such programming address?
- What possibilities exist to incorporate an Inuit Inmate Liaison Program within already existing structures?

8.0 CONCLUSIONS

In conducting the study, a number of contradictions were identified in the administration of justice in Northern Quebec. Similarly, a number of questions remain to be answered before concrete proposals can be developed to deal with them. Moreover, a significant amount of basic research also remains to be done.

One fact that is quite evident is that the current system of administering justice is cumbersome, awkward, haphazard, expensive, and appears to be inconsistent with norms found in southern regions. Many public statements have been made to this effect, and a commonly held view exists that something must be done to improve the situation in the shortest possible delay.

Current methods of dispensing justice are doing a disservice to the offenders, to the victims, and to the Inuit communities themselves. And this disservice can be found throughout the various stages of the system.

From the moment an Inuit comes into conflict with the law until such time as he or she is released from the jurisdiction of a correctional facility, the offender is forced to pass through a foreign and inappropriate system. Victims and communities in general are also poorly served by current criminal justice policies and procedures.

A complex, adversarial, British system of law has been imported into a sparsely populated, remote territory where aboriginal people with unique sets of cultural characteristics, and severe socio-economic difficulties survive in isolation from the rest of Canada. This system does not adequately uphold the peace and security in Inuit communities.

Some of the most evident contradictions are:

1. Although only a small percentage of the 6,000 people living in the North do come into conflict with the law, disproportionately large expenditures appear to be involved in the administration of justice.

2. When an individual commits an offense, and a complaint is filed against him by another member of the community, the victim and the offender are often forced to interact within hours of the incident because of the small size of the community. Such examples are common, and are contradictory to harmonious social relationships.

3. When disputes are resolved between the complainant and the offender during the delay period before the court arrives, it seems redundant and inefficient to pursue court proceedings.

4. If offenders have seriously harmed a neighbor, it seems contradictory to pronounce sentences that appear to the community to be based on compassion for the offender, and disregard for the victim.

5. When criminal offenses occur within a large urban centre, it is perceived that severe penalties are often assigned. But when similar offenses occur within small communities, where the impact is likely to be felt more strongly, less severe dispositions are granted. Whether or not offenders have steady jobs, or are attending school should not justify inconsistencies in sentencing.

6. Victims, such as battered women, should not be faced with the presence of the offender following the arrest.

7. Adversarial proceedings designed for one culture, should not be imposed on another, whose values, traditions and beliefs are not consistent or even similar.

8. The Canadian Charter of Rights and Freedoms includes provision for the right to be tried within a reasonable period of time following commission of an offense. In fact, recent decisions rendered by the Supreme Court of Canada have referred to this clause, and have impacted on the system of justice in the Province of Ontario. Where excessive delays have occurred, cases have been thrown out. This revelation, that justice delayed is justice denied, has prompted suggestions that Ontario's system may be in need of an overhaul. The practices in Northern Quebec may very well be analogous.

9. Where it has been proven in earlier studies that visits from family and friends are beneficial to inmates, such opportunities are denied to Inuit inmates incarcerated in southern institutions.

10. Young offenders require specific forms of support and counselling within the context of their own culture. Current intervention strategies are obviously inadequate, given present recidivism rates.

11. Court orders that require Inuit offenders to attend AA meetings, find steady employment, or complete educational programs are not only unrealistic, but paternalistic as well.

12. Community Service orders that lack effective supervisory provisions or strategies are also contradictory.

13. Assigning non-Inuit employees to work in these regions without extensive, effective cross-cultural awareness/sensitivity training and preparation, is unacceptable.

14. It appears contradictory that while consensus exists in the general population that problems exist with the justice system, individuals working within the system do not appear to hold similar opinions.

15. Whereas the justice system exists to ensure peace and security, community members feel threatened by the presence of offenders awaiting trial, or the presence of ex-inmates who have had very little support for reintegration.

16. Court orders that require ex-inmates on parole to fend for themselves in large urban centres, and deny them the right to return to their home communities for long periods of time, are built-in mechanisms guaranteed to perpetuate the cycle of recidivism.

17. Normally, one of the cornerstones of the judicial system is the attention given to procedural exactitude, decorum, ritual, formality, and protocol. This aspect ensures respect for the bench, heightens concern for detail, and ultimately reinforces credibility in the process.

    Contrast this practice with the image of a planeload of people dropping in, setting up shop, rendering decisions, and then packing up and leaving until the next visit. There should be little wonder that respect is lacking, credibility is suffering, and impact is almost negligible. Moreover, if objectivity and impartiality are also fundamental to the system, offenders must know that serious consequences await them, dispensed by individuals they know, respect, and understand.

As mentioned previously, these are only some of the most evident contradictions that were found in this study. No doubt, others exist.

In conclusion, contradictions in the administration of justice are at the base of the problem. Furthermore, the complexities of the problem are immense and require realistic solutions.

Of course, in defining innovative and creative options for any replacement structures, all concerned parties must participate actively in the process. The governments of Canada, Quebec, and the Inuit must work toward establishing effective alternatives to the present system of administering justice. Persons with firsthand knowledge and expertise should be participants in the process of change as well. This consultative group should include at least the following:

- judges who have presided over circuit courts
- crown prosecutors and defense attorneys
- probation and parole officers

- courtworkers and liaison workers
- social workers and community professionals
- representatives of victims and offenders
- policing agency representatives
- local municipal officials
- spiritual and educational representatives
- drug and alcohol counsellors
- elders

Because of the concrete nature of this problem, as well as the widely recognized consensus that there is a problem, the potential for solution appears good.

By resolving such concrete aspects of daily life as education, health and justice, the more abstract notions of autonomy, jurisdiction and pride will come into clearer focus. Given the current political context, all parties concerned with the administration of justice have much to gain by working towards a system that will provide peace and security to these regions, in a context of equity and fairness to all concerned.

One model that is suggested as a starting point for discussion is outlined below:

* A network of community and territorial tribunals would be established, to be overseen and administered by a tripartite advisory body. These tribunals would be responsible for hearing cases dealing with minor offenses under the criminal code

* Clear terms of reference would empower the local tribunals to hear evidence, determine responsibility and pronounce sentences that would be limited to fines, restitution, or community service.

* Tribunals would be supported by managerial and clerical staff to ensure fiscal responsibility and to follow up community service obligations.

* Adults, juveniles and elders within the community would be answerable to the tribunal for these offences under the jurisdiction of the tribunal.

* Serious crimes and repeat offenders would continue to be dealt with by the conventional court system.

* Circuit courts would cease to exist, and serious offenders would be processed through existing offices, courts and detention centres in Amos and Val d'Or.

* Coordination would be required to transport those accused, and appropriate holding facilities would necessarily be required in all communities. This aspect could be dealt with by local authorities such as public security officers.

* Distant reception and detention facilities in Amos and Val d'Or would require Inuit staff and interpretation services. All non-native personnel would require intensive cross-cultural education and training.

* Correctional institutions, both provincial and federal, would require Inuit-specific programming and services, and efforts should be made to decrease the frequency of transfers of Inuit inmates between facilities.

* Drug and alcohol abuse counselling program would be essential in the communities; at reception/detention facilities, and in post-release halfway houses.

* Policing could involve either services similar to peacekeeper operations, or could be negotiated with existing policing agencies. The "special constable" concept, however, has proven to be ineffective and should therefore be avoided.

* Careful consideration should be given to the matter of reintegration of ex-offenders. Support counselling would be essential to deal with the problem of recidivism.

* Extensive training programs would be required for tribunal members, tribunal support personnel, Inuit employees of reception/detention/corrections facilities, peacekeepers, interpreters, liaison workers, drug and alcohol counsellors, as well as non-native intervention personnel.

* On-going communication and evaluation would play an important role particularly in the initial stages of implementation.

This model is presented only as a point of departure for further discussion. Obviously, much more analysis and developmental mapping would be required.

9.0 RECOMMENDATIONS

The following recommendations are respectfully submitted to the Minister by the contractor:

It is recommended that...

1. Discussion be initiated with both the government of Quebec, and representatives of the Kativik Regional Government regarding the findings of this study.

2. Time frames be established for research, analysis, planning, development, and implementation of a system of justice that would respond to the cultural, geographic, economic, social, and political realities of these regions.

3. Only officials who have undergone thorough cross-cultural sensitization training, or who are themselves Inuit Aboriginal people, be involved in this process.

4. Where necessary, all statistical material be collected and made available, and placed at the disposal of researchers and negotiators in the process. Such data would include accurate counts of:

    a) Inuit inmates incarcerated in both provincial and federal prisons;

    b) Inuit graduates of post-secondary educational institutions;

    c) Populations of Inuit communities in the regions;

    d) Court documents listing figures of pleas, sentences and dispositions; and

    e) Any other relevant data sources.

5. Extensive consultation including individuals listed in the concluding section of this report be undertaken to assess future direction.

6. The feasibility of the model presented in the concluding section of this report be explored.

7. Additional studies be undertaken where necessary, to develop working documents as preliminary tools in the definition of strategies to solve the problem of Systematic Disservice to the Inuit of Northern Quebec.

APPENDICES

APPENDIX A:
CASE STUDY SUMMARIES

The following material is provided as supporting evidence for assertions that are made in the anecdotal portions of the text. Specific case study examples were chosen at random by parole and probation officers in both communities, as well as by social workers, and Youth Protection workers. In making their choices, the officers were asked to select individual cases that they felt were representative of typical clients they have dealt with in recent years.

In order to respect the confidentiality of the clients chosen for these case studies, the researcher did not seek, and was not provided with specific details such as names, home communities, or other personal information

Since the goal of this aspect of the data collection was to build representative client profiles, rather than to provide quantitative analyses, statistical analysis was not included in this portion of the research. Moreover, the limited time frame of the research did not allow for any proportional measurement. Therefore, the presentation of this case study material does not include any reference to the percentage of the officers' caseload that is represented by these clients.

In all examples provided, the case study follows the individual from the time of arrest, to incarceration, and release (if applicable).

APPENDIX A

CASE STUDY SUMMARIES

The following material is provided as supporting evidence for assertions that are made in the anecdotal portions of the text.

CASE STUDIES
(Courtworkers, Probation Officers, Youth Protection, Social Workers, Sûreté du Québec)

CASE STUDY #1

Age of offender:	29 years
Sex:	male
Education:	grade 7
Family background:	stable family background
Offence (s):	Impaired driving -- 2 charges Failure to appear -- 1 charge
Contributing factors:	alcohol influenced
Plea (s):	Guilty - Impaired driving -- 1 charge Not guilty - other charges
Outcome of case:	6 months suspended sentence Acquitted on 2 other charges
Remarks:	- Was given a suspended sentence because the charge was laid one and one-half years before trial - Comes from a stable background and is employed full time

---

CASE STUDY #2

Age of offender:	35 years
Sex:	male
Education:	elementary

Family background:	Stable family background, always employed
Offence (s):	Sexual assault – 3 charges
Contributing factors:	None noted
Plea (s):	Not guilty
Outcome of Case:	1 year imprisonment 3 years supervised probation
Remarks:	- Took 1 year for trial to take place - Underwent psychiatric examination - Felt he had suffered already in the community - This was considered by the court - Soon to be released on parole

---

CASE STUDY # 3

Age of Offender:	29 years
Sex:	Male
Education:	Post-secondary (University)
Family Background:	Single
Offence (s):	Drug Trafficking - 2 charges
Contributing Factors:	Was given the opportunity to sell drugs and took it
Plea (s):	Guilty
Outcome of Case:	240 hours community work 2 years supervised probabation
Remarks:	- Is attending A.A. on a regular basis

CASE STUDY # 4

Age of Offender:	30 years
Sex:	Male
Education:	CEGEP
Family Background:	Was living in a common-law relationship
Offence(s):	Assault - 3 charges (conjugal violence)
Contributing Factors:	Alcohol influenced
Plea(s):	Guilty
Outcome of Case:	2 years supervised probation - Ordered not to communicate with his common-law wife - Ordered to seek treatment for alcohol problem

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CASE STUDY # 5

Age of Offender:	30 years
Sex:	Male
Education:	Grade 10
Family Background:	Single
Offence(s):	Drug Trafficking - 1 charge
Plea(s):	Guilty
Outcome of Case:	1 year imprisonment 2 years probation
Remarks:	- Received parole in December 1989 - Returned to the community and is employed full-time

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CASE STUDY # 6

Age of Offender:	19 years
Sex:	Male
Education:	Secondary 4
Family Background:	Single
Offence(s):	Break & enter - 4 charges Theft - 1 charge
Plea(s):	Guilty
Outcome of Case:	45 hours' community work 1 year supervised probation
Remarks:	- Completed community work success-fully - Completed his probation

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CASE STUDY # 7

Age of Offender:	30 years
Sex:	Male
Education:	Elementary
Family Background:	Married - 2 children
Offence(s):	Possession of Drugs - 1 charge
Plea(s):	Guilty
Outcome of Case:	7 months imprisonment 2 years' supervised probation
Remarks:	- Very aggressive individual

- Repeat offender, had previously served 2 years in prison

CASE STUDY # 8

Age of Offender:	18 years
Sex:	Male
Education:	Grade 8
Family Background:	Lives with parents and 4 brothers and 4 sisters - stable family
Offence(s):	Break & Enter - 1 charge
Plea(s):	Guilty
Outcome of Case:	Sentence is pending
Remarks:	- Is on welfare - Is not involved in sports or traditional activities such as hunting, fishing, etc. - Repeat offender (4th offence)

CASE STUDY # 9

Age of Offender:	27 Years
Sex:	Male
Education:	Grade 7
Family Background:	Is unemployed, has 8 children and lives with his girlfriend
Offence(s):	Sexual Assault - 1 charge Break & Enter - 2 charges Dangerous use of a firearm - 1 charge Assault - 1 charge

Plea(s):	Not guilty
Outcome of Case:	Trial is pending
Remarks:	- Is currently on probation for Assault and Escape Custody - Has a long criminal record and has served time in Federal Institutions - Is an alcoholic and is extremely violent when drinking, especially towards women

---

CASE STUDY # 10

Age of Offender:	20 years
Sex:	Male
Education:	Grade 8
Family Background:	Lives with mother
Offence(s):	Break & Enter - 1 charge
Plea(s):	Guilty
Outcome of Case:	$100.00 fine 1 year supervised probation
Remarks:	Repeat offender

CASE STUDY # 11

Age of Offender:	26 years
Sex:	Female
Education:	Grade 9
Family Background:	Married, lives with husband and 2 children

Offence(s):	Trafficking in Drugs
Plea(s):	Guilty
Outcome of Case:	9 months' imprisonment 2 years' supervised probation
Remarks:	- Regular drug user - Arrested with 350 grams of hash

---

CASE STUDY # 12

Age of Offender:	22 years
Sex:	Female
Education:	Grade 8
Family Background:	Good - is adopted
Offence(s):	Break & Enter - 4 charges Breach of Probation - 4 charges
Plea(s):	Guilty
Outcome of Case:	195 days' imprisonment 2 years' supervised probation
Remarks:	- Recently had a baby - Had a full-time job

CASE STUDY # 13

Age of Offender:	31 years
Sex:	Male
Education:	Grade 6

Family Background:	Adopted - no father
Offence(s):	Assault - 2 charges
Plea(s):	Guilty
Outcome of Case:	2 years' supervised probation
Remarks:	- The assaults were committed on his wife

CASE STUDY # 14

Age of Offender:	24 years
Sex:	Male
Education:	Grade 10
Family Background:	Parents are heavy drinkers
Offence(s):	Assault - 2 charges Uttering threats - 1 charge
Plea(s):	Guilty
Outcome of Case:	2 years' supervised probation
Remarks:	- Is presently involved in a treatment program for his alcohol problem

---

CASE STUDY # 15

Age of Offender:	44 years
Sex:	Male
Education:	Grade 2
Family Background:	No data available

Offence(s):	Assault Breach of Probation
Outcome of Case:	$600.00 fine 1 year supervised probation
Remarks:	- Is presently trying to change his way of life

CASE STUDY # 16

Age of Offender:	17 years
Sex:	Male
Education:	Grade 6
Family Background:	No data available
Offence(s):	Break & Enter - 1 charge
Plea(s):	Guilty
Outcome of Case:	50 hours' community work
Remarks:	- Committed the offence to get the money to buy clothes

---

CASE STUDY # 17

Age of Offender:	22 years
Sex:	Female
Education:	Grade 7
Family Background:	Mother had drug & alcohol problems
Offence(s):	Assault with weapon - 1 charge Breach of probation - 1 charge

Plea(s):	Guilty
Outcome of Case:	7 months' imprisonment
Remarks:	- Was aggressive toward her mother because of her drug & alcohol problems

---

CASE STUDY # 18

Age of Offender:	42 years
Sex:	Male
Education:	Grade 7
Family Background:	Stable family background
Offence(s):	Manslaughter - 1 charge
Plea(s):	Guilty
Outcome of Case:	7 years' imprisonment
Remarks:	- Blacked out while drinking and did not remember killing his wife

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APPENDIX B:
TABLES

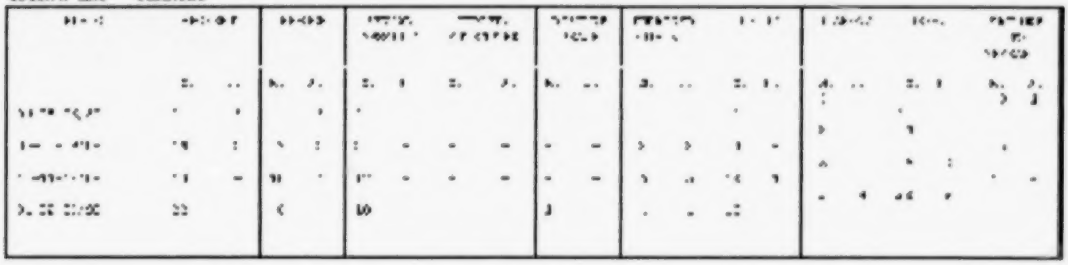
TABLE 1

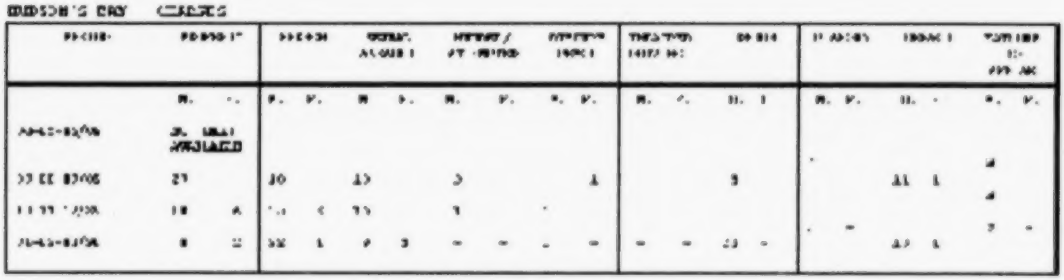
ITINERANT COURT SCHEDULE 1990 - 1991

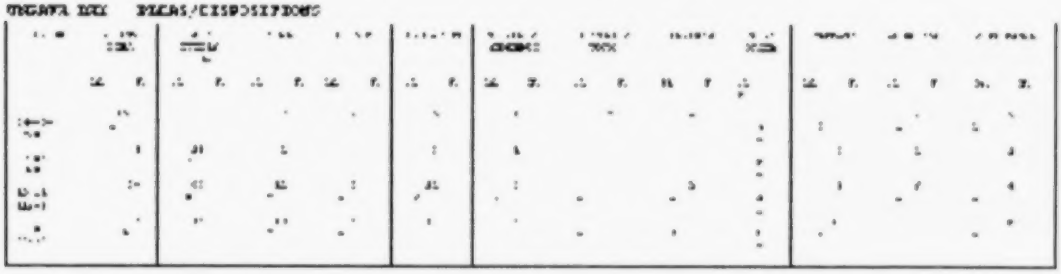
KUUJJUAQ (UNGAVA BAY)		**KUUJJUARAPIK (HUDSON'S BAY)**	
August 27		August 13	
	> 5 weeks		> 6 weeks
October 1		September 24	
	> 7 weeks		> 6 weeks
November 19		November 5	
	> 7 weeks		> 5 weeks
January 7		December 10	
	> 5 weeks		> 5 weeks
February 11		January 14	
	> 5 weeks		> 5 weeks
March 18		February 18	
	> 7 weeks		> 5 weeks
May 6		March 25	
	> 6 weeks		> 5 weeks
June 17		April 29	
			> 5 weeks
		June 3	

TABLE 2
STATISTICAL SUMMARY OF CHARGES/PLEAS/DISPOSITIONS FOR THE PERIOD 01/04/89 TO 31/03/90

(*SOURCE: Native Courtworker Program







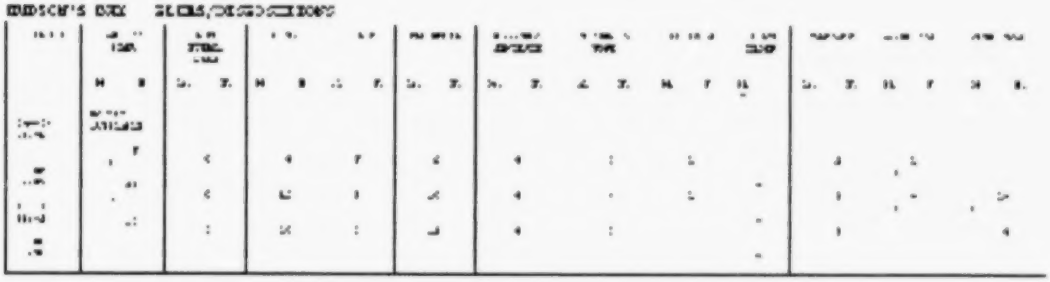


TABLE 3

SUMMARY ANALYSIS OF INUIT ADULTS AND JUVENILES CHARGED FROM 01/04/89 TO 31/03/90

***SOURCE: KUUJJUAK NATIVE COURTWORKER**

DATE	ADULT	JUVENILE	PROVINCIAL	FEDERAL
April '89	12	0	2	0
May '89	23	9	0	0
June '89	61	6	5	3
July '89	10 0	0	0	
August '89	8	0	0	0
September '89	67	2	0	0
October '89	58	6	3	0
November '89	38	3	0	0
December '89	5	0	2	0
January '90	32	3	3	1
February '90	27	4	3	0
March '90	14	3	4	2
Total:	**355**		**36**	**22 6**

TABLE 4

INUIT COMMUNITIES IN NORTHERN QUEBEC INCLUDED IN RESEARCH FIELD WORK ANALYSIS, WITH APPROXIMATE POPULATION FIGURES

UNGAVA BAY COAST		HUDSON'S BAY COAST	
KUUJJUAQ	(916)	KUUJJUARAPIK	(350)
KANGIQSUALUJJUAQ	(360)	WHAPMAGOOSTUI	(402)
AUPALUK	(114)	UMIUJAQ	(300)
KANGIRSUK	(293)	INUKJUAK	(670)
QUAQTAQ	(175)	POVUNGNITUK	(836)
KANGIQSUJUAQ	(330)	AKULIVIK	(400)
		IVUJUVIK	(220)
		SALLUIT	(650)

*SOURCE: LES AUTOCHTONES AU QUEBEC,
Secrétariat aux affaires autochtones, Québec

TABLE 5

STATISTICAL SUMMARY--NATIVE LIAISON WORKER AS AT OCTOBER 19, 1990

	ALL NATIVE INMATES	INUIT INMATES
Lamacaza	9	6
Archambault	6	0
Ste. Anne Des Plaines	2	0
Regional Reception Centre	3	0
Special Handling Unit	1	0
Leclerc	4	3
Federal Training Centre	6	0
Montée St. François	1	0
Cowansville	4	1
Total	**36**	**10**

*Inmate Transfers Occur Frequently

DISPOSITIONS GIVEN - FINES, COMMUNITY SERVICE OR INCARCERATION

OFFENCE	FINES	COMMUNITY SERVICE	INCARCERATION
Break & Enter	Mostly fines are given in the range of $50.-$500.	Community Service assigned/probation	Repeat offences lead up to a jail term
Assault causing bodily harm	The fines for this offence are in the range of $300.-$500.	If acceptable for community work, if not, will receive a jail term	Minimum incarceration 2 - 3 months
Sexual assault	N/A	N/A	Automatic incarceration - 6 months - 12 months - 18 months <There is usually no problem for the offender to return to his community upon release>

APPENDIX C:
FREEDOM LIES...IN THE EYES OF THE BEHOLDER

FREEDOM LIES... IN THE EYES OF THE BEHOLDER

by Corinne Jetté

Johnny made a boat for his son. A beautiful boat. Handcrafted with the talent and artistry that is rarely found in the best ébénisteries of the most exclusive shopping districts prowled by the rich. Carved, sanded, fitted, and rigged with the painstaking detail rarely seen anymore, even in the collectors' shops of St. Jean-port-joli, outside Québec City. Yes, what a beautiful boat. I guess you could say without a hint of cliché, that more than a bit of Johnny's heart is there --- somewhere inside that boat. Only a father's kinship for a son could have given that boat the kind of loving attention, the concern that every detail, every angle and curve must be true. Even the grain of the wood is matched carefully, and polished smooth from hours of patient sanding. What a prize it could have been. What a source of boyhood pride it should have been. You know, the kind of intensity that only young boys can muster, as they pronounce reverently, "My Dad made it. For me."

But Johnny's son hasn't even seen that boat. Hasn't had a chance to see if it floats as good as it looks. It's sitting on top of a filing cabinet right now, in the corner of an office that might as well be a million miles away from the crystal clear stretch of Arctic cold water where it was supposed to sail. Every once in a while, someone takes a look at it, admires the skill of the craftsman, and then walks away to get on with their business. And every once in a while Johnny takes a look at it, maybe brushes off some of the dust that has started to collect, and then he too walks away, to get on with his business of learning to cope with the strange, frightening new life he must live, wondering if he'll ever get to see the look on his son's face.

You see, Johnny is Inuit and he's on parole. He made the boat in the woodworking shop in the joint. Every hour that he spent working on that boat, he probably spent thinking of home. And every stroke of the sandpaper probably brought him a moment of peace and tranquility --- remembering what his life used to be before he ended up in that nightmarish place where nothing was familiar, everything was frightening, and no one knew his name.

They said it was great to go South. Like a vacation where it's warm. Lots of excitement, new things to see, modern things, lots of beautiful girls on the city streets in the summer time. Lots of movie theaters, fast cars, and live music in all the bars. They said it would be great. They actually had no idea what it would really be like.

But Johnny's done his time inside. He's staying at a halfway house. He can take a bus downtown and see all the sights. Oh he was a "model" prisoner. They all are, you know.

Those Inuit hardly ever make trouble, they look down all the time, and never yell. They don't complain about the food either --- Come to think of it, they don't always eat it either. And they aren't always bitching about counsellors who are late for appointments --- Come to think of it, they don't ask for appointments much either. Yes, Johnny can go downtown to see the sights; after all, he's free now. Almost.

His court order says he only has to stay at the halfway house for another six months. If he keeps his nose clean, he'll be on his own next spring. On his own in the city. You see, his court order also says he can't go home for another three years. Three years! That's more of a sentence for an Inuit than fifty years in jail in the North, maybe more.

Johnny can barely communicate in English. He speaks with a characteristic grumbling kind of accent. And his understanding of French is even worse. His small stature, awkward movements, and habit of standing around, or interrupting conversations mark him as an outsider --- someone who is unfamiliar with the socially acceptable behaviors of life in the city. He asks for a cigarette, shyly of course, but he just comes out and says "I want a cigarette." No subtleties. No finesse. He lacks the niceties or the politeness that will probably make it hard for him to rent a room, to ask for directions on the street, or even to get a day job. He'll be recognized as one of "those" people. He'll be tolerated if he's quiet. And probably thrown out of a Donut shop if he asks one too many customers for a cigarette. But he's free now. Almost.

And what kind of freedom has he earned? He'll have the freedom to miss appointments or events because he still doesn't think time is measured by a clock. He'll have the freedom to be claustrophobic in crowded elevators and Metro cars. He'll have the freedom to lie awake at night because there's too much noise from the street, and because no one ever shuts the lights off in the city at night. And buildings are always overheated in the winter. He'll have the freedom to try to survive a five-week month on welfare, and to never be able to afford the movie theaters or the fast cars. As freedom turns to boredom, he will be able to afford to look for that live music in all the bars. If he can't afford even that, maybe someone will buy him a beer --- and then another, and another.

And he'll be back on the track that sent him South in the first place. Back to old pastimes, old habits, and if no one helps him, he'll be back inside before too long, back to the woodshop, back to his dream of seeing his son, or one of his other three children, smiling as that boat sails proudly along the shores of his home town.

But perhaps that boat will bring Johnny back to his son.

The social worker who visited Johnny in prison still cares about what's happening to him. She reminds him of appointments he should keep, and makes photocopies of important papers he might lose. She sends him to a movie casting office where he doesn't have to act like anyone else but who he is. And most importantly, she helps him stay in contact with a lawyer who is trying to arrange an appeal of the court order that is preventing him from going home when he leaves the halfway house. She talks slowly, and softly to him, and pokes good-natured fun when he makes a mistake. She makes him laugh. In gentle ways, she tells him how to find ways to survive. And when the confusion and the homesickness overwhelm him, she suggests that he go to a place where other Native people hang around, so he won't be all alone with his thoughts,

And she keeps an eye on that boat. That beautiful boat. You can be sure that if the appeal goes through, and Johnny does get to go home in the spring, that boat will be packaged up, and sent North with him on the plane. Like any father returning home after a trip, he will probably be greeted by plenty of hugs and questions; and he'll try to have a special surprise in his bags for his wife and all of the kids. But no surprise could ever match that boat.

As the next six months go by, that boat will probably stay on the filing cabinet in the social worker's office. She will probably try to discourage Johnny from selling it --- no doubt it would bring a good price. But the price Johnny has paid for that boat has been much higher. And she wants him to be able to watch the look on his son's face one day. She wants that for Johnny when he can finally say that he's really free, not almost, like he is now.

RESOURCE PEOPLE **(KUUJJUAQ)**

1.	Mr. Sandy Saunders	-Inuit Courtworker (S.P.A.Q.)
2.	Ms. Louisa May	-Social Worker (Youth Protection–Ungava Region)
3.	Mr. Pierre Boivin	-Probation Officer (Ungava Region)
4.	Mr. Richard Coleman	-Probation Officer (Ungava Region)
5.	Cpl. Robert Chalifoux	-Sureté Du Québec (Kuujjuaq)
6.	Ms. Celine Gill	-Securité Du Revenu (Kuujjuaq)
7.	Ms. Maggie Shea	-Canada Employment Centre (Kuujjuaq)

RESOURCE PEOPLE **(KUUJUARAPIK)**

1.	Ms. Rhoda Cookie	-Inuit Courtworker (S.P.A.Q.)
2.	Mr. Don Jackson	-Probation Officer (Great Whale River)
3.	Mr. Davidee Kumarluk	-Employment & Immigration Canada (Native Services)
4.	Ms. Michele Morelle	-Youth Protection Counsellor
5.	Ms. Lylee Otter	-Native Inmate Liaison Worker

FOR - La Maison Waseskun House:

Dana Williams,
Field Researcher

Corinne Jetté
Author